

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): P. Bonutti

Confirmation No.: 6924

Application No.: 10/727,290

Docket No: 780-A03-012D

Filed: December 3, 2003

Group Art Unit: 3733

For: BICOMPARTMENTAL KNEE IMPLANT AND  
METHOD

Examiner: P. Philogene

**INFORMATION DISCLOSURE STATEMENT  
PURSUANT TO 37 C.F.R. § 1.56**

Commissioner for Patents  
Alexandria, VA 22313

Sir:

In accordance with the duty of disclosure provisions of 37 C.F.R. §1.56, there is hereby provided certain information, which the Examiner may consider material to the examination of the subject U.S. patent application. It is requested that the Examiner make this information of record if it is deemed material to the examination of the application.

A revised Form PTO/SB/08 listing all patents, publications, applications, or other information submitted for consideration is enclosed. In accordance with 37 C.F.R. §1.98(d), copies of the listed documents are not being submitted.

No admission is made that the information cited in this Statement is, or is considered to be prior art, material to patentability, or a representation that a search has been made.

Given the number of documents provided in this Information Disclosure Statement (IDS), it is suggested that the Examiner consider the documents listed below first. All of the following documents are listed in the attached IDS. Therefore, the following documents are being identified only as a recommendation. This recommendation is not intended to negate the Examiner's duty to consider all the documents as required by 37 C.F.R. §1.97.

**U.S. Patent Documents**

US 2003/0212403 -Swanson  
US 2003/0220697 - Justin  
US 2003/0158606 - Coon  
US 2002/0198528 - Engh  
5,405,395- Coates  
5,871,541- Gerber  
5,944,722- Masini  
5,957,926- Masini  
5,961,523- Masini  
5,971,989- Masini  
6,001,106- Ryan  
6,066,633- Masini  
6,077,269- Masini  
6,102,916- Masini  
6,187,010- Masini  
6,342,075- MacArthur  
6,743,258- Keller  
6,749,638- Saladino  
6,859,661- Tuke

**Foreign Patent Documents**

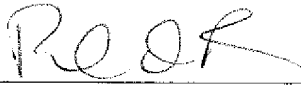
JP 2003/159439 Donkers  
FR2768329 Minfelde  
EP1245204 Leclercq

Other References- Non Patent Literature Documents  
Smith & Nephew Catalog

The required fee of \$180.00 set forth in 37 C.F.R. §1.17 (p) in accordance with 37 C.F.R. §1.97(c) was paid via Credit Card along with the Electronic Submission. Please charge any required fee (or credit any overpayments of fees) to the Deposit Account of the undersigned, Account No. 503410.

Respectfully submitted,

Dated: 4 May 2007

  
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PTO/SB/08A (10-96)  
Approved for use through 10/31/99. OMB 0651-0031  
Patent and Trademark Office: U.S. Department of Commerce

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<b>INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION</b> (use as many sheets as necessary)				Complete If Known	
				Application Number	
				10/727,290	
				Filing Date	
				December 3, 2003	
				First Named Inventor	
				P. Bonutti	
				Group Art Unit	
				3733	
				Examiner Name	
				P. Philogene	
				Attorney Docket Number	
				780-A03-012D	
Sheet	1	of	9		

U.S. PATENT DOCUMENTS						
Examiner Initials	Cite No. <sup>1</sup>	U.S. Patent Document Number	Kind Code <sup>2</sup> (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	AA	2,589,720		Aubaniac	3/18/52	
	AB	3,750,652		Sherwin	8/07/73	
	AC	3,852,830		Marmor	12/10/74	
	AD	3,869,731		Waugh et al.	3/11/75	
	AE	4,169,470		Ender et al.	10/2/79	
	AF	4,209,012		Smucker	6/24/80	
	AG	4,369,768		Vukovic	1/25/83	
	AH	4,719,908		Averill	1/19/88	
	AI	4,721,104		Kaufman	1/26/88	
	AJ	4,911,721		Branemark	3/27/90	
	AK	4,950,298		Gustilo	8/21/90	
	AL	4,952,213		Bowman et al.	8/28/90	
	AM	5,021,056		Hofmann et al.	6/4/91	
	AN	5,035,699		Coates	7/30/91	
	AO	5,053,039		Hofmann et al.	10/1/91	
	AP	5,098,436		Ferrante et al.	3/24/92	
	AQ	5,100,409		Coates	3/31/92	
	AR	5,176,684		Ferrante et al.	1/5/93	
	AS	5,226,915		Bertin	7/13/93	
	AT	5,258,032		Bertin	11/2/93	

<b>Examiner</b>	<b>Date Considered</b>
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Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIP Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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Title for form 1449A/PTO

<b>INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION</b> (use as many sheets as necessary)				Complete If Known	
				Application Number	10/727,290
				Filing Date	December 3, 2003
				First Named Inventor	P. Bonutti
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				Examiner Name	P. Philogene
Sheet	2	of	9	Attorney Docket Number	780-A03-012D

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	AU	5,263,498		Caspari	11/23/93	
	AV	5,312,411		Steele	5/17/94	
	AW	5,314,482		Goodfellow	5/24/94	
	AX	5,342,368		Petersen	8/30/94	
	AY	5,364,402		Mumme et al.	11/15/94	
	AZ	5,395,376		Caspari	3/7/95	
	BA	5,405,395		Coates	4/11/95	
	BB	5,417,695		Axelson, Jr.	5/23/95	
	BC	5,454,816		Ashby	10/3/95	
	BD	5,464,406		Ritter et al	11/7/95	
	BE	5,474,559		Bertin et al	12/12/95	
	BF	5,540,695		Levy	7/30/96	
	BG	5,540,696		Booth	7/30/96	
	BH	5,549,689		Epstein et al.	08/27/96	
	BI	5,569,259		Ferrante et al.	10/29/96	
	BJ	5,571,196		Stein	11/05/96	
	BK	5,578,039		Vendrey et al.	11/26/96	
	BL	5,601,565		Huebner	2/11/97	
	BM	5,658,292		Axelson	8/19/97	
	BN	5,669,914		Eckhoff	9/23/97	

Examiner	Date Considered
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note for form 1449A/PTO

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				First Named Inventor	P. Bonutti
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				Examiner Name	P. Philogene
Sheet	3	of	9	Attorney Docket Number	780-A03-012D

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	BO	5,681,316		DeOrio	10/28/97	
	BP	5,682,886		Delp et al.	11/4/97	
	BQ	5,683,397		Vendrely et al.	11/4/97	
	BR	5,720,752		Elliott	2/24/98	
	BS	5,735,904		Pappas	4/7/98	
	BT	5,741,264		Capolletti	4/21/98	
	BU	5,743,915		Bertin et al.	4/28/98	
	BV	5,776,200		Johnson	7/7/98	
	BW	5,776,201		Colleran et al	7/7/98	
	BX	5,782,925		Collazo et al.	7/21/98	
	BY	5,792,139		Chambers	8/11/98	
	BZ	5,860,980		Axelson	1/19/99	
	CA	5,866,415		Villeneuve	2/2/99	
	CB	5,871,493		Sjostrom	2/16/99	
	CC	5,871,541		Gerber	2/16/99	
	CD	5,897,559		Masini	4/27/99	
	CE	5,916,219		Matsuno et al.	6/29/99	

Examiner	Date Considered
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Sheet	4	of	9	Attorney Docket Number		780-A03-012D

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	CF	5,916,220		Masini	6/29/99	
	CG	5,944,722		Masini	8/31/99	
	CH	5,947,973		Masini	9/7/99	
	CI	5,957,926		Masini	9/28/99	
	CJ	5,961,523		Masini	10/5/99	
	CK	5,971,989		Masini	10/26/99	
	CL	5,980,526		Johnson et al.	11/9/99	
	CM	6,002,859		Di Gioia et al.	12/14/99	
	CN	6,027,504		McGuire	2/22/00	
	CO	6,033,410		McLean et al.	3/7/00	
	CP	6,059,788		Katz	5/9/00	
	CQ	6,059,831		Braslow et al.	5/9/00	
	CR	6,068,633		Masini	5/30/00	
	CS	6,077,269		Masini	6/20/00	
	CT	6,077,270		Katz	6/20/00	
	CU	6,102,916		Masini	8/15/00	
	CV	6,106,529		Techiera	8/22/00	
	CW	6,187,010		Masini	2/13/01	
	CX	6,214,011		Masini	4/10/01	
	CY	6,228,090		Waddell	5/8/01	

Examiner	Date Considered
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-Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION</b> (use as many sheets as necessary)				Complete If Known	
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	DA	6,258,095		Lombardo	7/10/01	
	DB	6,296,646		Williamson	10/2/01	
	DC	6,306,169		Lee et al.	10/23/01	
	DD	6,342,075		MacArthur	1/29/02	
	DE	6,379,387		Tornier	4/30/02	
	DF	6,423,096		Musset et al.	7/23/02	
	DG	6,478,799		Williamson	11/12/02	
	DH	6,482,209		Engh et al	11/19/02	
	DI	6,482,209		Engh et al.	11/19/02	
	DJ	6,488,687		Masini	12/3/02	
	DK	6,491,726		Pappas	12/10/02	
	DL	6,494,914		Brown et al	12/17/02	
	DM	6,500,179		Masini	12/31/02	
	DN	6,551,324		Muller	4/22/03	
	DO	6,554,838		McGovern	4/29/03	
	DP	6,558,391		Axelson	5/6/03	
	DQ	6,558,421		Fell	5/6/03	
	DR	6,575,980		Robie	6/10/03	

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	DS	6,629,997		Mansmann	10/7/03	
	DT	6,632,225		Sanford et al.	10/14/03	
	DU	6,648,896		Overes	11/18/03	
	DV	6,695,848		Haines	2/24/04	
	DW	6,702,821		Bonutti	03/09/07	
	DX	6,709,460		Merchant	3/23/04	
	DY	6,723,102		Johnson et al.	4/20/04	
	DZ	6,743,258		Keller	6/1/04	
	EA	6,749,638		Saladino	5/27/04	
	EB	6,770,077		Van Zile et al.	8/3/04	
	EC	6,827,723		Carson	12/7/04	
	ED	6,858,032		Chow et al	2/22/05	
	EE	6,859,661		Tuke	2/22/05	
	EF	US 2001/0018589		Muller	8/30/01	
	EG	US 2001/0034554		Pappas	10/25/01	
	EH	US 2001/0037155		Merchant	11/1/01	
	EI	US 2002/0029038		Haines	3/7/02	
	EJ	US 2002/0127264		Felt	9/12/02	

Examiner	Date Considered
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	EQ	US 2002/0133175		Carson	9/19/02	
	ER	US 2002/0138150		Leclercq	9/26/02	
	ES	US 2002/0173797		Van Zile et al	11/21/02	
	ET	US 2002/0198528		Engh et al.	12/26/02	
	EU	US 2002/0198530		Sanford et al	12/26/02	
	EV	US 2003/0045883		Chow et al	3/6/03	
	EW	US 2003/0093079		Masini	5/15/03	
	EX	US 2003/0100906		Rosa et al.	5/29/03	
	EY	US 2003/0100907		Rosa et al.	5/29/03	
	EZ	US 2003/0130665		Pinczewski et al.	7/10/03	
	FA	US 2003/0153923		Pinczewski	8/14/03	
	FB	US 2003/0158606		Coon	8/21/03	
	FC	US 2003/0163137		Smucker et al.	8/28/03	
	FD	US 2003/0171757		Coon et al.	9/11/03	
	FE	US 2003/0181984		Abendschein	9/25/03	
	FF	US 2003/0212403		Swanson	11/13/03	
	FG	US 2003/0220697		Justin	11/27/03	
	FH	US 2003/0225458		Donkers	12/4/03	
	FI	US 2003/0236523		Johnson et al.	12/25/03	

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<b>INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION</b> (use as many sheets as necessary)				Complete If Known	
				Application Number	10/727,290
				Filing Date	December 3, 2003
				First Named Inventor	P. Bonutti
				Group Art Unit	3733
				Examiner Name	P. Philogene
				Attorney Docket Number	780-A03-012D
Sheet	8	of	9		

U.S. PATENT DOCUMENTS						
Examiner Initials	Cite No. <sup>1</sup>	U.S. Patent Document Number	Kind Code <sup>2</sup> (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	GA	US 2004/0039395		Coon et al.	2/26/04	
	GB	US 2004/0143338		Burkinshaw	7/22/04	
	GC	US 2004/0204760		Fitz	10/14/04	
	GD	US 2004/0260301		Lionberger	12/23/04	
	GE	US 2005/0043807		Wood	2/24/05	

FOREIGN PATENT DOCUMENTS								
Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document		Kind Code <sup>5</sup> (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
	GF		EP 0520737		Coates	9/9/92		
	GG		EP 1245204		Leclercq	10/2/02		
	GH		EP 1317911		Tornier	6/11/03		
	GI		FR 2682287		Bouvet	4/16/93		
	GJ		FR 2768329		Minfelde	03/19/99		
	GK		JP291779		Leclercq	10/2/07		
	GL		WO 02/17821		Felt	8/28/00		
	GM		WO 95/14444		Gerber	6/1/95		
	GN		WO 97/25006		Amis	7/17/97		
	GO		WO 98/32384		Burstein et al.	7/30/98		
	GP		WO 99/20184		Popken	4/29/99		
	GQ		WO 99/40864		Hammett et al.	8/19/99		

<b>Examiner</b>	<b>Date Considered</b>
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Substitute for form 1449A/PTO				Complete If Known		
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				Application Number	10/727,290	
				Filing Date	December 3, 2003	
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				Examiner Name	P. Philogene	
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Sheet	9	of	9			
<b>U.S. PATENT DOCUMENTS</b>						
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<b>OTHER REFERENCES - NON PATENT LITERATURE DOCUMENTS</b>						
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.				<sup>1-6</sup>
	FA	Accuris Redefining the Uni Knee, Minimally Invasive Unicompartmental Knee System, Smith & Nephew, May 2003.				
	FB	AVON™ Patello-Femoral Arthroplasty, Christopher E. Ackroyd, Stryker Howmedica Osteonics, © 2002.				
	FC	Clinical Orthopaedics, Long-Term Results with the First Patellofemoral Prosthesis, Phillipe Cartier, pgs. 46-54, July 2005.				
	FD	FxBx, Stryker Howmedica Osteonics, Indian Summer 2003.				
	FE	ImmediateCare™ External Fixation Systems Sterile Ankle Kit, Stryker Howmedica Osteonics, © 2002.				
	FF	ImmediateCare™ External Fixation Systems Sterile Wrist Fixator, Stryker Howmedica Osteonics, © 2002.				
	FG	Scorpio Single Axis Total Knee System - Stryker ® Howmedica Osteonics- One Revolutionary Idea, Three great Potential Benefits, 03/2000				
	FH	Scorpio Total Knee System - Stryker ® Howmedica Osteonics, (1-50 pgs), Publication date unknown				
	FI	Scorpio Total Stabilizer Revision Knee System Surgical Protocol, ScorpioTS Single Axis Total Knee System, Stryker ® Howmedica Osteonics, 01/2001				
	FJ	Simplex Enhancement Systems, Howmedica Catalog, pp. 3-4, 1990.				
	FK	"Sterile Yellow Monotube® TRIAX™ Kit, Stryker Howmedica Osteonics, © 2001.				"
	FL	Total Joints Orthopedic, Richards Modular Knee, Richards Manufacturing Company, Publication date unknown, but before 2001.				
	FM	Zimmer Catalog, Wilder Retractors, pgs. 38-39, © 1972.				
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